

Los Alamos National Laboratory — Supplemental Instructions

Section: 4 Administrative Matters

Subject: 4.7 Foreign Nationals

PURPOSE:	This Supplemental Instruction (SI) is to outline the requirements pertaining to foreign nationals.
POLICY:	The Laboratory must comply with DOE Order 1240.2B for visits and assignments of foreign nationals involving access to sensitive and non-sensitive buildings and areas that contain classified/unclassified, sensitive/nonsensitive information or research.
SCOPE:	This SI applies to all subcontracts in which a foreign national will have access to Laboratory facilities, equipment, or property prior to (e.g., a preproposal conference) or during performance of a subcontract.
DEFINITIONS:	
Assignment	An assignment is the presence of an invited foreign national at the Laboratory, or at any Laboratory-sponsored event, for more than 30 calendar days.
Foreign National (FN)	A FN is anyone who is not a United States (U.S.) citizen, including permanent resident aliens (PRAs) or immigrant aliens that are permitted to work in the U.S. for an indefinite period of time.
Security Area	A security area is a physically defined space containing classified documents, information, or material that is subject to physical protection and personnel access controls that include the requirement for an escort of uncleared visitors.
Sensitive Country	A sensitive country is a country which, for policy reasons, DOE gives particular consideration during the approval process. <i>See DOE's List of Sensitive Countries, Exhibit 4.5e of SP 4.5, Foreign Ownership, Control, or Influence over Subcontractors.</i>
Visit	A visit is the presence of an invited FN at the Laboratory, or at any Laboratory-sponsored event, for 30 calendar days or less. Visits exceeding a total of 30 calendar days in a period of 12 months are defined as assignments.

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DEFINITIONS: (cont)

Visit or Assignment Under Partial Exclusion from DOE Order 1240.2B

A visit or assignment partially excluded from DOE Order 1240.2B refers to a visit or assignment by a non-sensitive or sensitive FN who will be allowed access to areas preapproved by DOE. Contact FSS-15 for the listing of technical areas to be partially excluded from DOE Order 1240.2B.

PROCEDURES:

Procurement Specialist Hosting a FN

Use the following table when it is necessary to authorize the visit or assignment of a FN.

WHEN the visit or assignment is by a...	THEN complete...	AND...
nonsensitive FN accessing nonsecure areas under partial exclusion	- Laboratory Form 982 (Request for Unclassified Visit or Assignment by a FN)	submit completed form to FSS-15 at least five days prior to the visit or assignment.
nonsensitive FN accessing nonsecure areas not listed under partial exclusion for ≤ days per calendar year	- Laboratory Form 982 - Computer Access MCTL/NTRB Sensitive Subject Review	submit completed package to FSS-15 at least five days prior to the visit or assignment.
nonsensitive FN accessing nonsecure areas not on exclusion for > 30 days per calendar year	- Laboratory Form 982 - Computer Access MCTL/NTRB Sensitive Subject Review - DOE Form IA-473 (Request for Foreign National Unclassified Visit or Assignment - Security Plan Form	submit completed package to FSS-15 eight weeks prior to visit or assignment
sensitive FN accessing nonsecure areas not on exclusion	- Laboratory Form 982 - Computer Access MCTL/NTRB Sensitive Subject Review - DOE Form IA-473 - Checklist for FN Visits/Assignment Program	submit completed package to FSS-15 10 weeks prior to visit or assignment.
nonsensitive FN accessing secure areas	- Laboratory Form 982 - Computer Access MCTL/NTRB Sensitive Subject Review - DOE Form IA-473 - Checklist for FN Visits/Assignments Program - Justification Memorandum from Host Group - Official Lab Visitor Request Form 864 (Escort Form)	submit completed package to FSS-15 eight weeks prior to visit or assignment.
sensitive FN accessing secure areas	- the forms prescribed by FSS-15 for sensitive visits or assignments	submit completed package to FSS-15 10 weeks prior to visit or assignment.

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PROCEDURES: (cont)

Requester Hosting a FN

A Laboratory requester hosting a FN must complete the appropriate forms (see above table) and submit a copy of the completed and approved forms to the procurement specialist.

Notification of Approval

Visits or Assignments Under/Not Under Partial Exclusion — The Personnel Access and Visitor control Office, FSS-15, requires at least five working days to process paperwork to bring a FN on-site. (Paperwork may be hand-carried to FSS-15 for same-day processing). FSS-15 will notify the host organization by memorandum (in person when paperwork is handcarried) when approval has been granted.

Visits or Assignments Requiring DOE Approval — FSS-15 requires 10 weeks advance notice for any sensitive assignment or secure visit, and eight weeks advance notice for non-sensitive assignments. FSS-15 will notify the hosting organization by memorandum when approval has been granted. Attached will be a copy of the approved Request for Foreign National Unclassified Visit or Assignment (DOE Form IA-473) advising of any additional requirements or concerns of the DOE.

Badging

A picture form of identification is necessary for a FN to obtain a badge. A passport is the preferred form of identification; however, if the individual is a PRA or does not have a passport with them, another form of picture identification may be used. The Laboratory employee escorting the FN assumes the responsibility of verifying the identity of the FN to Badge Office personnel.

Solicitations

Include the following clause in solicitations and subcontracts involving FNs:

"The Subcontractor shall not assign any foreign national to work on University or Government premises without obtaining the necessary approvals through the University's Operational Security and Safeguards Office."

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RESPONSIBILITIES:

Procurement Specialist It is the responsibility of the procurement specialist to

- Ensure that no subcontract is awarded or subcontract work initiated, or any foreign national brought on-site before all the requirements of this SI have been met;
- Provide updated information to FSS-15 regarding changes in access needs, clearance requirements, extensions of the subcontract term, etc., when hosting a foreign national; and
- Consider additional requirements that may apply when foreign nationals are involved in any phase of the subcontract process (e.g., foreign ownership, control, or influence requirements; off-site meeting requirements; service visits; etc.).

REFERENCES:

DOE Order 1240.2B